IN THE HIGH COURT OF UTTARTANCHAL
AT NAINITAL
ORIGINAL JURISDICTION

Dated: Nainital the 28th day of November, 2005

Bail Application No. 1054 **of 2005**

Order on the bail application of accused

CRIMINAL SIDE

Prem Singh aged about 68 years
S/o Shri Harak Singh
R/o Village Maura
Patwari Kshetra Khatera
Tehsil and Disrict Champawat ….Applicant.

Versus

State of Uttaranchal ….Opposite Party.

Arising out of Case Crime No. 01 of 2005
Under Section 395, 354, 452, 149, 506 I.P.C.
Patwari Khatera
District Champawat

By the court

Hon'ble B.C. Kandpal, J

The applicant has applied for bail in case crime No. 01 of 2005 under Sections 395, 354, 452, 149, 506, of I.P.C., Patwari Khatera District Champwat.

Heard Sri M.C. Pande, learned counsel for the applicant, learned A.G.A. and perused the record.

The First Information Report in this case was lodged on 6th January, 2005 but till the month of October 2005 no steps were taken by the Investigating Agency to make the arrest of the applicant.

The applicant has filed the supplementary affidavit along with an affidavit filed by Smt. Geeta Devi complainant before the District Magistrate stating there that no such incident as alleged in the First Information Report dated 06.01.2005, as in fact taken place on the date of the said occurrence.

Learned A.G.A. was granted time to obtain the specific report on the supplementary affidavit but nothing specific contradiction has been made in the supplementary counter affidavit filed by the State.

Learned counsel for the applicant has also invited my attention towards the order passed by the Division Bench on 18.11.2005 of this Court by which the arrest of the other co-accused has been stayed.

Keeping in view aforesaid circumstance of the case, I think, it would be just and proper to release the applicant on bail at this stage.

Let the applicant, Rajiv Kumar be released on bail on his executing a personal bond and furnishing two sureties each in the like amount to the satisfaction of C.J.M. concerned.

(B.C. Kandpal, J.)

28.11.2005
ASWAL